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constitute inlet and outlet sides of the panel, and which are inclined with respect to said edges, and each channel has sections virtually at right angles to said edges and which are for connection of said end sections.

R E M A R K S

Reconsideration of this application in view of the above amendment is respectfully requested. Claims 7, 8 and 9 have been amended to obviate the rejection under 35 USC 112, second paragraph, and also to distinguish patentably from the combined teachings of Faigle and Holmberg et al., of record. To eliminate any indefiniteness in the claims, the term "in particular" has been eliminated, and instead of reciting "by pressing", claim 7 now merely calls for a plurality of cardboard sheets each having formed therein a plurality of non-rectilinear undulated channels, etc. Claim 7 also now points out in greater detail the fact that the channels of adjacent sheets (for example 11a and 11b in Fig. 3) are the sheets which have different mutual alternating inclination of the channels, and clarifies how they are glued together. Claims 8 and 9 have also been amended more clearly to conform to the provisions of 35 USC 112, second paragraph. Clearly, therefore, article claims 7 to 9 do not constitute product-by-process claims as suggested by the Examiner at the top of page 5 of the last Office Action.

In the last Office Action, paragraph 1, the Examiner acknowledged the traverse which was submitted with the amendment dated October 16, 2001 (Paper No. 4), but found the traverse not persuasive because the Examiner contended that "the product as claimed can be made by a materially different process such as randomly pressing the undulated channels, i.e., not sequentially pressing" them. As noted from the Background Of The Invention as set forth at the top of page 2 of this application, it heretofore has been impossible to make undulated cardboard with non-rectilinear undulations. For that reason, as a matter of fact,

if one tried to obtain non-rectilinear undulated channels in a cardboard sheet by randomly pressing the sheet as suggested by the Examiner, or by using pressing rollers, the cardboard would get torn immediately due to the strong tensile stress derived from the non-uniform distribution of deformations produced by the pressing means. Note, for example at the bottom of page 6 of the specification wherein it is noted that the cardboard sheet which is employed for producing the non-rectangular undulations, should be shaped to allow for the deformation produced by the press. Fig. 2 of the drawings, for example, discloses a sheet shown in broken lines having the form 25 so that it can become rectangular after forming. Notably it is the sequential forming which permits deformation to produce the non-rectilinear undulations without tearing the cardboard. It is respectfully submitted, therefore, that the product, as claimed, can not be made by a process which is materially different from the process recited in claim 1, which requires sequential pressing of the individual channels. Accordingly, reconsideration of the refusal to withdraw the restriction requirement is respectfully requested.

Moreover, reconsideration of the rejection of claims 7 to 9 on the combined teachings of the Faigle and Holmberg et al. references is respectfully requested. The Faigle patent teaches the use of cooling towers and heat exchanges made from wave-shaped foils, plastics, glass or ceramics but notably, the channels disclosed by Faigle are oriented all in the same direction, so that when the wave crests are bonded together the channels form separate flow ducts peripherally enclosed throughout their entire courses. Contrary to this construction claim 7 calls for the channels of its seats to be oriented with alternate inclinations so that the channels are not peripherally closed which enables water to drop transversely to the channel extension. No such construction is suggested by Faigle, nor was there even the remotest suggestion in Faigle that his product could be made of cardboard.

Holmberg et al. discloses a contact body which can be made of impregnated

cardboard, so on that basis the Examiner has contended that it would have been within the ordinary skill in the art for Faigle to employ cardboard in the manufacture of his filling member. However, apart from teaching the use of impregnated cardboard, Holmberg et al. teaches a completely different form of a contact body of the type taught by Faigle. As a matter of fact, the Holmberg et al. patent teaches away from those teachings of Faigle because instead of producing a body in which the crests of rectangular waves are secured to each other to make a panel containing a number of spaced passages or ducts, Holmberg, as shown for example in Fig. 5 employs distance members 5 and 6 to keep his contact plates (1) in spaced relation to each other so that they can be stacked one upon the other, as noted in column 4, lines 40 to 43. Also, while in Holmberg et al. alternate inclination of the channels of adjacent panels is provided (see Figs. 2 and 3), the fact remains that adjacent sheets of a single panel have channels oriented in the same direction. This is contrary to a principal purpose of Faigle - i.e., to provide a filling member having therein numerous slits 4, which may have various shapes (Figs. 7-21), but which are peripherally closed throughout their lengths.

In view of the foregoing, it is respectfully submitted that the combined teachings of Faigle and Holmberg et al. simply do not suggest or teach the solution which applicant has found for producing non-rectangular, undulated channels in each of the sheets recited in applicant's claim 7, and which sheets upon being secured together to form a panel of the type defined in claim 7, produce a plurality of non-rectilinear channels with the channels of adjacent sheets in the panel being of different mutual alternating inclination and with the contact points thereof being glued together. Also, as noted above, there simply is no materially different process, such as randomly pressing the undulated channels of applicant's sheets, which can be utilized to produce the product defined in applicant's claims 7 to 9. Accordingly, an early and favorable action on this application and withdrawal

Also in compliance with CFR 1.121, applicant submits herewith a marked-up copy of the original claims 7 to 9 to illustrate the changes that have been made by the amendment thereof. Should there be any question about this case the Examiner is requested to telephone the undersigned attorney at Rochester, New York, Area Code 716 No. 325-4618.

ANTONIQ GIGOLA

By:

Attorney

I HEREBY CERTIFY THAT THIS CHECK OR MONEY ORDER IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: COMMISSIONER OF PATENTS AND TRADEMARKS, WASHINGTON, D.C. 20231, ON THE DATE INDICATED BELOW.

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and are cut from the strip after pressing.

(Amended) 7. A Screening and humidifying panel [in particular] for avicultural facilities or greenhouses and formed from each having formed therein a plurality of cardboard sheets [shaped by pressing with] a plurality of non-rectilinear undulated channels, and [glued together arranged] with different mutual alternating inclination of the channels.

(Amended) 8. A Panel in accordance with claim 7 wherein each channel has end sections near the sheet edges which constitute inlet and outlet sides of the panel, and which end sections are virtually at [a] right angle to said edges, and each channel has inclined sections for connection of said end sections.

(Amended) 9. A Panel in accordance with claim 7 wherein each channel has end sections near the sheet edges which and [will] constitute inlet and outlet sides of the panel, and which are inclined with respect to said edges, each channel has and sections virtually at [a] right angle to said edges and which are for connection of said end sections.

the respective channels of adjacent sheets in said panel being of

of adjacent sheets glued together

and having the contact points

a plurality of
extends between the edges of a respective sheet